

REMARKS/ARGUMENTS

Claims 1-6 and 8-12 are pending in this application. By this Amendment, Applicant AMENDS Claim 1 and CANCELS Claim 7.

Applicant has canceled Claim 7 and has amended Claim 1 to recite the feature that was recited in canceled Claim 7. Applicant has also amended Claim 1 to correct minor informalities. Applicant respectfully submits that the amendments to Claim 1 to correct minor informalities have not changed the scope of Claim 1 at all.

Applicant respectfully submits that the amendment to Claim 1 does not require further search or consideration because the scope of currently amended Claim 1 is the same as the scope of now canceled Claim 7, which the Examiner fully searched and considered in the outstanding Office Action.

On page 2 of the outstanding Office Action, the Examiner rejected Claims 1-3, 6, 8, and 11 under 35 U.S.C. § 103(a) as being unpatentable over Koike (U.S. 5,406,399) in view of Takizawa et al. (U.S. 6,942,624). And on page 3 of the outstanding Office Action, the Examiner rejected Claims 4, 5, 9, and 10 under 35 U.S.C. § 103(a) as being unpatentable over Koike in view of Takizawa et al. and further in view of Truc (U.S. 6,502,341). And on page 4 of the outstanding Office Action, the Examiner rejected Claims 7 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Koike in view of Takizawa et al. and further in view of Kageyama et al. (U.S. 2001/0002858).

As noted above, Applicant has canceled Claim 7. Applicant respectfully traverses the rejections of Claims 1-6 and 8-12.

Applicant has amended Claim 1 to recite:

A display device comprising:
a display panel with a substrate; and
a frame including a supporting portion for supporting the display panel on the periphery thereof and on a principal surface of the substrate; wherein

the supporting portion includes a flat portion and a first curved portion, which are opposed to the principal surface of the substrate, the first curved portion being continuous with the flat portion, and
the principal surface of the substrate is fixed onto the flat portion either directly or indirectly, and
while no external force is being applied to the substrate, a gap is

left between the principal surface of the substrate and the first curved portion;
the display device dynamically displays information for an electronic device; and
the substrate is a plastic substrate. (emphasis added)

As noted above, Applicant has amended Claim 1 to recite the feature of "the substrate is a plastic substrate," which was recited in now canceled Claim 7.

In Section No. 4 on page 4 of the outstanding Office Action, the Examiner admitted that Koike fails to teach or suggest this feature and, although not explicitly discussed in this section, implicitly admitted that Takizawa et al. fails to teach or suggest this feature when the Examiner relied upon Kageyama et al. to allegedly teach this feature.

Thus, Koike and Takizawa et al. clearly fail to teach or suggest the feature of "the substrate is a plastic substrate" as recited in Applicant's Claim 1.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Koike in view of Takizawa et al.

Further, Applicant respectfully submits that a rejection of Claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Koike in view of Takizawa et al. and further in view of Kageyama et al. would be improper.

With the improved features of Claim 1, Applicant has been able to provide an improved display device, even when a plastic substrate is used for an LCD panel. The second paragraph on page 6 and the paragraph bridging pages 6 and 7 of the present Specification explain:

More particularly, the present inventors discovered as a result of those experiments that in most of LCD panels with the composite plastic substrate, the breakage happened where the LCD panel was directly in contact with its frame (which will be referred to herein as a "supporting portion"), no matter whether the outer periphery of the LCD panel was fixed onto the frame on the viewer's side thereof or its opposite side. The reason is believed to be as follows.

As compared with a plastic substrate, a glass substrate has smaller fracture strain and breaks easily even under relatively small external force or shock. Thus, by making an elastic member cushion the external force or shock and reduce the strain produced in the glass substrate, the breakage of the glass substrate can be avoided effectively. On the other hand, in the

composite plastic substrate with relatively large fracture strain, it would be difficult for even an elastic member to absorb the external force or shock causing so great a strain as to break the composite plastic substrate.

In the second full paragraph on page 2 of the outstanding Office Action, the Examiner admitted that Koike fails to teach or suggest a "curved portion" as recited in Claim 1. The Examiner alleged that Takizawa et al. teaches this feature. The Examiner alleged that it would have been obvious to modify the frame of the display device of Koike in view of Takizawa et al. to have a curved portion "so that the screen is not flexed over a sharp corner."

Applicant respectfully submits that the Examiner has improperly relied upon Takizawa et al. and has improperly relied upon hindsight reasoning to reject Applicant's Claim 1.

First, Applicant respectfully submits that Takizawa et al. is non-analogous art. The Examiner is reminded, "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992) and MPEP § 2141.01(a). That is, the Examiner must rely upon analogous art to reject Applicant's claims.

The present invention is directed to the field of display devices, as recited in the claims. In contrast, Takizawa et al. is directed to the field of input/output systems that include a sheet-like input/output unit into which wiring is embedded or onto which wiring is stuck and that include a connection box that is attached to the input/output unit as explained in the first paragraph of column 1 of Takizawa et al. Thus, the present invention and Takizawa et al. are clearly in different fields of endeavor.

The present invention is directed to solving a problem of preventing a display device with a plastic substrate from being easily damaged when subjected to external force as explained in the second paragraph on page 6, the paragraph bridging pages 6 and 7, and the first full paragraph on page 10 of the originally filed Specification. In contrast, Takizawa et al. is directed to solving the problem of providing an input/output

system in which a sheet-like input/output unit is reliably attached to a connection box without the wiring embedded in or stuck onto the sheet-like input/output unit becoming damaged when some forces may act thereto as explained in the last full paragraph of column 2 of Takizawa et al. Thus, the present invention and Takizawa et al. are clearly directed to solving different problems experienced with entirely different devices from two completely different fields of endeavor.

Thus, Applicant respectfully submits that Takizawa et al. is clearly non-analogous art and that the Examiner has improperly relied upon Takizawa et al. to reject Claim 1.

Second, Applicant respectfully submits that the Examiner has improperly used hindsight reasoning to reject Claim 1. As noted above, the Examiner alleged that it would have been obvious to modify the frame of the display device of Koike in view of Takizawa et al. to have a curved portion "so that the screen is not flexed over a sharp corner." However, the evidence of record, other than Applicant's own disclosure, fails to provide any evidence that flexing a screen, especially when a plastic substrate having a relatively large fracture strain is used, over a sharp corner is a problem. That is, Applicant respectfully submits that the Examiner has failed to provide any evidence that one of ordinary skill in the art would have recognized that having a screen, which has a plastic substrate with a relatively large fracture strain, flex over a sharp corner is a problem.

Instead of basing the conclusion of obviousness on actual teachings or suggestions of the prior art and the knowledge of one of ordinary skill in the art at the time the invention was made, the Examiner has improperly used Applicant's own invention as a guide. It is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious. The Federal Circuit has previously stated that one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. *In re Fritch*, 972 F.2d 1260, 23 USPQ 2d 1780, 1784 (Fed. Cir. 1992).

Thus, Applicant respectfully submits that the Examiner has improperly relied

upon hindsight reasoning to reject Applicant's Claim 1.

The Examiner relied upon Kageyama et al. to allegedly cure various deficiencies in the combination of Koike and Takizawa et al. However, Kageyama et al. fails to provide any evidence that Takizawa et al. is not non-analogous art and fails to provide any evidence that the Examiner did not use hindsight reasoning in combining Koike and Takizawa et al.

Accordingly, Applicant respectfully submits that a rejection of Claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Koike in view of Takizawa et al. and further in view of Kageyama et al. would be improper.

The Examiner relied upon Truc to allegedly cure various deficiencies in the combination of Koike and Takizawa et al. However, Truc fails to teach or suggest the features of "the substrate is a plastic substrate" in combination with the other features recited in Applicant's Claim 1.

Accordingly, Applicant respectfully submits that the prior art of record, applied alone or in combination, fails to teach or suggest the unique combination and arrangement of elements recited in Claim 1 of the present application. Claims 2-6 and 8-12 depend upon Claim 1 and are therefore allowable for at least the reasons that Claim 1 is allowable.

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

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The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

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